MEMORIAL

OF THE TRUSTEES OF THE

PEABODY EDUCATION FUND,

WITH

THE REPORT OF THEIR COMMITTEE ON THE SUBJECT OF THE EDUCATION OF THE COLORED POPULATION OF THE SOUTHERN STATES.

19 FEBRUARY, 1880.

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TRUSTEES

OF THE

PEABODY EDUCATION FUND.

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The vacancies created by the deaths of Hon. WILLIAM C. RIVES, of Admiral FARRAGUT, of Bishop MCILVAINE, of CHARLES MACALESTER, Esq., of GEORGE N. EATON, Esq., of Hon. WILLIAM A. GRAHAM, and of Hon. JOHN H. CLIFFORD, and by the resignation of EDWARD A. BRADFORD, Esq., have been filled by the election of

*Hon. SAMUEL WATSON	*Tennessee.*
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Col. THEODORE LYMAN	*Massachusetts.*

The vacancies caused by the death of Hon. SAMUEL WATSON and General RICHARD TAYLOR have been filled by the election of

RUTHERFORD B. HAYES	*President of the United States.*
Hon. THOMAS C. MANNING	*Louisiana.*

GENERAL AGENT.

(To whom all communications should be addressed.)

Rev. BARNAS SEARS, D.D. . . . . *Staunton, Virginia.*

MEMORIAL.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled: —

The Trustees of THE PEABODY EDUCATION FUND respectfully represent: —

That, in administering the great Trust committed to them by the late GEORGE PEABODY, their attention has been turned to the vital necessity of National Aid for the education of the colored population of the Southern States, and especially of the great masses of colored children who are growing up to be voters under the Constitution of the United States: —

That the subject of invoking such Aid was referred for consideration, in October last, to a Special Committee of their Board, consisting of Alexander H. H. Stuart, of Virginia, Morrison R. Waite, of Ohio, and William M. Evarts, of New York; and that the Report of this Committee, after careful deliberation, has now received the unanimous assent of the Trustees, and of their General Agent, Dr. Sears.

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The Trustees ask leave to submit this Report to the consideration of Congress, with an expression of their earnest hope that it may receive an early and favorable attention, and that seasonable provision may be made for meeting an exigency which concerns the best interests of the whole Union.

ROBERT C. WINTHROP,
Chairman.

GEORGE PEABODY RUSSELL,
Secretary.

WASHINGTON,
February 20, 1880.

EDUCATION

FOR

THE COLORED POPULATION OF THE SOUTHERN STATES.

At a Special Meeting of the Trustees of the Peabody Education Fund, held at Washington, on the 18th and 19th of February, 1880, the following Report was unanimously accepted, and the Resolution at its close adopted: —

The Committee to whom such portions of the CHAIRMAN'S Address, and of Dr. SEARS'S Report, as relate to the special needs for Education in the South, were referred in October last, have had the same under consideration, and respectfully submit the following

REPORT.

The fundamental principle of every republican government, is, as tersely expressed in the Bill of Rights of Virginia, "that all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and, at all times, amenable to them." The will of the people, as expressed in the modes prescribed by the organic law, is, therefore, the only legitimate governing power. The constitution of a State is but the deliberate and solemn embodiment of the will of the people, by which

they ordain and establish a form of government, under which they are content to live, and by which they distribute, among its various departments, the powers which they deem necessary for the preservation of social order, and the security of life, liberty, and property. The functions of these departments respectively, and of the magistrates chosen to administer them, are to give effect to the judgment of the people, as ascertained in the modes and by the agencies appointed by the constitution and by the laws made in pursuance thereof.

The political system of the United States differs from that of most countries, in this: that it recognizes two distinct governments, viz., the government organized in each State, and intended to regulate its local and domestic affairs, and the Federal government, ordained to exercise the powers confided to it, in relation to such subjects as affect the welfare of all the States. It was the intention of the founders of our system, that each of these governments should exercise the powers conferred on them respectively, and that neither should encroach on the rightful authority of the other.

This brief statement of the dual and complex character of our institutions must satisfy every reflecting mind that both wisdom and virtue are necessary in their administration. Owing to the infirmity of human nature, there is a constant tendency on the part of magistrates to usurp powers not conferred on them, and to encroach on the rights of others. Under our system, grave and intricate questions often arise, which involve not merely the wisdom of measures of public policy, but also the relative jurisdiction or constitutional powers of the two governments.

As the people are the ultimate arbiters of all such disputes, it is obviously necessary that they shall possess that degree of education which will enable them to understand

clearly the matters in controversy, and to render an intelligent judgment on them at the polls. It cannot be expected that the stream will be purer than the fountain from which it flows. If, then, the people, who are the source of all power, be ignorant or corrupt, their government must soon become tainted with the same vices.

Our Revolutionary fathers seem to have been deeply impressed with this great truth. Their writings abound with expressions of their sense of the importance of a general diffusion of knowledge among the people.

They felt that the only hope of the permanency of free institutions rested on the virtue and intelligence of those clothed with the elective franchise. Their jealous apprehension on this subject is manifest from the fact that after the thirteen colonies declared themselves free and independent States, and undertook to form constitutions for their future government, they were careful to provide every practicable safeguard against the participation of ignorant voters in the administration of public affairs. Knowing that they were about to enter on an experiment, which had often been made and as often failed, of the capacity of man for self-government, they were careful to restrict the right of suffrage to those classes which were presumed to be most intelligent. And as, at that early day, when common schools were comparatively unknown, education was confined mainly to property-holders, in most, if not all the States, the right to vote was restricted, in some cases to freeholders; in others, to the owners of a specified amount of personal property; and in others, to those who had been sufficiently educated to be able to read and write. These restrictions were maintained, in most of the States, for many years, and in one at least for half a century. Gradually, however, as education became more general and the people more intelligent, they were from time to

time relaxed, until finally, in most of the States, they have been entirely abolished, and "manhood suffrage," with exceptions for crime, or failure to discharge some public duty, is now the rule.

It may not be unprofitable to refer to the recorded opinions of some of the Fathers of the Republic on the importance of a general diffusion of knowledge among the people.

Washington, in his Farewell Address, condenses into two short sentences an admonition which should never be forgotten by the American people. "Promote, then," says he, "as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened."

The writings of John Adams are replete with expressions of his estimate of the value of popular education, as the best safeguard of free institutions.

Thomas Jefferson, after his retirement from the presidency, in 1809, dedicated the remainder of his life to the cause of education in his native State. He digested with great care a general system, which embraced, — "1st, elementary schools, for all children, rich and poor; 2d, colleges for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who would be in easy circumstances; and 3d, an ultimate grade (a university) for teaching the same generally, and in their highest degree."

His system was to some extent carried into effect in Virginia, and, mainly by his exertions and influence, the University of Virginia was established. Such was his estimate of the importance of this institution, that when he prepared the brief epitaph which he wished inscribed on his tomb, as commemorative of the most signal services

which he had rendered to his country, he speaks of himself as, "Author of the Declaration of Independence, — of the Virginia Bill for Religious Freedom, — and Father of the University of Virginia." In a letter to Mr. Yancey, dated Jan. 6, 1816, Mr. Jefferson says: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never will be. The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for them but with the people themselves; nor can they be safe with them without information. Where the press is free, and every man able to read, all is safe." In another letter, to Governor Nicholas, dated April 2, 1816, speaking of his system of elementary education, he says: "My partiality for that division is not founded in view of education solely, but infinitely more as a means of the better administration of our government, and the eternal preservation of its republican principles."

Although it may be stepping aside from the immediate purpose of this report, it may not be uninteresting, as a matter connected with the personal history of that great statesman, to say, that he was by no means a mere theorist in regard to popular education. He labored long and assiduously to carry his theories into practical effect. He not only originated and digested the elective system of instruction, which still prevails in the University of Virginia, and has been so extensively copied in other institutions, but he planned and personally superintended the erection of all the buildings intended for its use. And when the university was about to open its doors to students, although he had attained the advanced age of eighty-one years, he accepted the office of rector, and continued faithfully to discharge its duties until his death; and during all that time the proceedings of the Board of Visitors were recorded in his own handwriting.

Mr. Madison, who has been called the Father of our Federal Constitution, and who certainly contributed as much as any other man in framing its provisions, was equally emphatic in the expression of his opinions of the value of popular education. In a letter to Wm. T. Barry, of Kentucky, dated Aug. 4, 1826, he says: "A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives." In another letter, to Littleton D. Teakle, of Maryland, Mr. Madison says: "The best service that can be rendered to a country, next to that of giving it liberty, is in diffusing the mental improvement essential to the preservation and enjoyment of the blessing."

Quotations of a similar character, from the writings of the statesmen and sages of the earlier days of the republic, might be indefinitely multiplied, but your committee will content themselves with adding a single extract from the Inaugural Address of President Monroe, delivered on the 4th of March, 1817: —

"Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blest with the same success? While, then, the constituent body retains its present sound and healthful state, all will be safe. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they become incapable of exercising sovereignty. Usurpation is an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us look to the great cause, and endeavor to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties."

If these solemn admonitions of the importance of elevating the standard of popular intelligence, as indispensable to the safety of our liberties, were deemed necessary at that early day, when our population was small, and comparatively homogeneous, and when the elective franchise was confined to the most intelligent classes, it will hardly be contended that they have lost any of their force by the progress of events since they were promulgated. Restrictions which then existed on the right to participate in the administration of the government, through the right of suffrage, and which were intended to exclude the ignorant, have been removed. Many thousands of immigrants, of all nations and tongues, who had been reared under monarchical governments, and who were illiterate and unacquainted with the spirit and genius of our institutions, and incapable even of reading the provisions of our Constitution, have been brought to our shores; and, within little more than a decade, nearly five millions of people of African descent have been emancipated and elevated to the dignity of citizenship, and placed on the same level with the white race in regard to the elective franchise.

The relation of this latter class, especially, of our fellow-citizens, to the government and people of the United States opens a wide field of inquiry as to the nature and extent of the obligations and duties which grow out of it.

It would be foreign to the purposes of this Report to enter into an extended discussion of the history of the introduction of African slaves into our country, or of the many questions connected with their presence among us. But it can hardly be deemed out of place to state the unquestionable fact that they were introduced into what is now the territory of the United States by authority of the British Government, more than one hundred years before the Declaration of Independence, and while we were

British Colonies. Nor was it done with the sanction of the Colonial Legislatures. On the contrary, there is abundant evidence to prove that some, if not all, of the Colonies earnestly remonstrated against it.

The preamble to the first constitution of Virginia, adopted on the 12th of June, 1776, three weeks before the Declaration of Independence, in reciting the causes of complaint against the British Government which had impelled that commonwealth to arms, assigns as one of the most prominent, "that the king, by the inhuman use of his negative, refused permission to exclude by law the introduction of negro slaves."

It further appears, from the testimony of Mr. Jefferson, that his original draft of the Declaration of Independence contained the following impassioned paragraph: "He (the king) has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *Infidel Powers*, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where men should be bought, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce." — *Writings of Jefferson*, Vol. I., p. 19. It is true that, from motives of prudence, this harsh denunciation of the British king was stricken out by the committee, but that circumstance does not in any degree invalidate the truth of the charge.

The fact was recently distinctly admitted by John Bright, the eminent British statesman, in a speech delivered by him at Rochdale, on the 19th December, 1879. In that speech he is reported to have said: "And I may tell you that slav-

ery in the United States was not the offspring of republican institutions. It was there in colonial and monarchical times; it was during the time of George III. that, when the Colonies and the United States would have abolished the slave-trade, the English Government forbade that abolition, and continued the trade."

Buckle, Vol. I., page 321, says: "George III. looked upon slavery as one of those good old customs which the wisdom of his ancestors had consecrated." And in a note he adds: "Such was the king's zeal in favor of the slave-trade, that in 1770 he issued an instruction under his own hand, commanding the governor (of Virginia), upon pain of the highest displeasure, to assent to no law by which the importation of slaves should be in any respect prohibited or obstructed." — *Bancroft's American Revolution*, Vol. III., p. 456.

Edmund Burke, in his great speech on conciliation with America, delivered in the House of Commons, March 22, 1775, referring to a proposition to enfranchise the slaves in the Colonies, said: "Slaves as those unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters, — from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic?"

These facts abundantly prove that whatever responsibility attaches to the introduction and continuance of slavery in the Colonies rests with the Government of Great Britain. It is due, however, to the truth of history to say, that, when our fathers undertook to form the Constitution of the United States, they found the institution of slavery so interwoven with our industrial and social systems that they were obliged to leave it as they found it, trusting, doubtless, that

a cure for it would be found in the future. Hence, neither the word "slave" nor "slavery" is to be found in the Constitution.

At the close of the Revolutionary War, slavery existed in all the Colonies. But, under the influence of wise legislation, it gradually receded from the Northern to the more Southern States, where it lingered until the close of the Civil War, when, happily, by an amendment to the Constitution of the United States, this disturbing element in our political affairs ceased to exist anywhere within the jurisdiction of our Government.

Every intelligent man must have foreseen that the grant of civil and political rights to the colored race must, sooner or later, be the logical sequence of emancipation. The only question which admitted of debate was as to the time when those rights should be bestowed. On this question there was much diversity of opinion. Some of the wisest statesmen of the day maintained that, in their uneducated condition, the colored race would be an unsafe depository of political power. They therefore contended for a period of probation, during which this race could be educated up to the level of their political duties.

Other counsels, however, prevailed, and a race numbering five millions of souls was elevated from the degradation of slavery to the high position of citizenship of a great republic, with all its precious rights and weighty responsibilities.

Our worthy General Agent, whose duties during the last twelve years have carried him into all portions of the Southern States, and thrown him into personal communication with all classes of the colored race, and with intelligent and trustworthy persons most familiar with their condition and capacity, states in his last Report that "a large portion of them are, confessedly, unqualified for a

judicious exercise of this power" (the right of suffrage). No unprejudiced and well-informed man can question the truth of this statement.

We are thus compelled to face the fact that more than half a million of voters, scattered over half the Union, from illiteracy are notoriously incompetent to the intelligent discharge of the public duties intrusted to them. This large class of uneducated voters, it must be remembered, are not merely citizens and voters of the States in which they respectively reside: they are also citizens of the United States. The power which they wield and the influence which they exert is not merely local: it is co-extensive with the Union. Their votes may decide the issues of peace or war; they may control presidential elections and give shape to the policy of the nation; they are entitled to participate in the election of President and Vice-President, of Members of the House of Representatives, and of the State Legislatures which choose Senators of the United States; they elect governors and legislators of their respective States, and in many States, judges, clerks, sheriffs, supervisors, magistrates, and almost every officer intrusted with the administration of public affairs; they are themselves eligible to all positions of honor, trust, and emolument, and legally competent to act as judges or to sit as jurors in cases involving the most sacred rights of life, liberty, and property.

The evils likely to ensue from intrusting political power to ignorant and incompetent hands have been so forcibly and eloquently explained by the late Horace Mann, of Massachusetts, that your Committee cannot forbear from quoting a few sentences from his masterly address on this subject as expressive of their own opinions. He says: —

"The illustrious and noble band who framed the Constitution of the Union, — Washington, Franklin, Adams, Jefferson, Madison, —

who adjusted all the principles which it contains by the line and the plummet, and weighed the words which describe them in scales so nice as to tremble beneath the dust of the balance, expended the energies of their mighty minds to perfect an instrument which, before half a century had passed away, was doomed to be administered, controlled, expounded, by men unable to read and write. The power of Congress over all the great social and economical interests of this vast country; the orbits in which the States are to move around the central body in the system; the functions of the Executive, who holds in his hand the army and the navy, manages all diplomatic relations with foreign powers, and can involve the country at any time in the horrors of war; and that grand poising power, the Supreme Judiciary, appointed to be the presiding intelligence over the system, to harmonize its motions and to hold its attracting and diverging tendencies in equilibrium,—all this splendid structure, the vastest and nicest ever devised by mortals, is under the control of men who are incapable of reading one word of the language which describes its framework and defines its objects and its guards, incapable of reading one word of contemporaneous exposition, of antecedent history, or of subsequent development, and therefore make it include anything or exclude anything, as their blind passions may dictate. Phaeton was less a fool when he mounted the chariot to drive the horses of the Sun, than ourselves, if we expect to reach the zenith of prosperity and happiness under such guidance."

If Horace Mann felt justified in using language like this more than twenty years ago, where would he find words adequate to the expression of his thoughts if he were living in the present day!

Assuming, then, that the solemn warnings of Washington, Adams, Jefferson, Madison, and other fathers of the Republic, and of Horace Mann, one of the most devoted champions of freedom, at a later era, were not merely idle words, idly spoken, but the deliberate expression of their matured convictions, we are naturally led to inquire, How can we best guard against the evils which they deemed so dangerous?

Your Committee are persuaded that the best security will be found in affording to ignorant voters such a degree of education as will qualify them for the intelligent discharge of their duties as citizens.

Here we may be met with the inquiry, Does your Committee intend to recommend that Congress shall assume control over the whole subject of education in the United States? They answer unhesitatingly in the negative. Popular education is a duty, which, as a general rule, belongs to the government and people of the respective States. It is a matter of local and domestic policy, which can be more appropriately and effectually managed by the local governments.

But, in the opinion of your Committee, the colored race constitute an exceptional class of our population. Having for generations been held in slavery, they had no opportunity of obtaining education, of acquiring property, or of qualifying themselves for the intelligent discharge of the duties of citizenship. They are not responsible for their ignorance. They have had no teachers to instruct them in even the rudiments of knowledge, and their parents were as ignorant as themselves. It cannot, therefore, be matter of surprise that they should be, as they unquestionably are, generally incompetent to form intelligent opinions on political questions, or to exercise with discretion the elective franchise. Justice would seem to demand that when a duty is required of a class of citizens, the means should be afforded to them to discharge it properly. The general sentiment of mankind has condemned as tyrannical and oppressive the conduct of the Egyptian task-masters, who required the Israelites to make brick and yet refused to furnish the straw that was necessary.

There is another aspect of this subject which addresses itself strongly to the humanity and sympathy, as well as to the sense of justice, of the American people.

While the colored race were held in bondage they were at least protected from want by the superintending care of their masters, whose interest, as well as duty, prompted them to provide for the physical welfare of their slaves. Emancipation has broken this bond, and the illiterate race is now brought into competition with the whites in the struggle for subsistence. Knowledge is said to be power. With equal truth it may be affirmed that ignorance is weakness. Your Committee have already quoted the pregnant remark of Mr. Madison, that "Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with this power which knowledge gives." Can the people of the United States feel that they have done their whole duty to the colored race until they have given them that degree of education which is essential to self-protection?

Passing to the consideration of the subject in its broader and national aspects, can any reflecting man doubt that the infusion of so large an element of ignorance into the constituent body must be a source of weakness to our system of government? Can any one fail to perceive that such a class of voters are constantly liable to become the dupes of artful demagogues, and give their support to measures dangerous alike to liberty and property?

The Chairman of our Board, in his address at the opening of the last meeting, gave us an admonition on this subject which should never be forgotten. It was in these words: "Our free institutions rest upon intelligence and virtue, and can survive almost anything except ignorance, and the vice, corruption, and violence which are so generally the results of ignorance."

Let us next inquire into the magnitude of the danger which threatens us. The colored population of the United States was ascertained by the census of 1870 to be, in

round numbers, four and a half millions. At the present date it probably exceeds five millions. If we assume that of these one-seventh are voters, we have the fact that there are more than seven hundred thousand colored men in the United States, who are clothed with the right of suffrage, and yet, in the mass, are incapable of discreetly exercising it.

We are now brought to the consideration of the question, From what source are the means to be supplied which are necessary to correct the evil?

By the operation of causes which have already been adverted to, it so happens that this class of our population, which at the date of our independence and for some years afterwards was diffused over all the colonies, is now confined mainly to the Southern States. These States have not been insensible of the mischief to be apprehended from the presence of so large a class of ignorant voters, and they have manifested the most praiseworthy disposition to aid, as far as their means would allow, in their education. In most, if not all of them, systems of free schools have been established; but, in their impoverished condition, they are unable adequately to meet the emergency.

Some idea of the extent of the impoverishment of these States may be formed by reference to their assessments of values, as reported in the census returns of 1860 and 1870:

In 1860 the aggregate of values, including slaves, was	$5,426,041,724
In 1870 the aggregate was	3,553,757,000
Showing a decrease during the decade of	$1,872,284,724

The population of these States in 1870 was: —

White	9,275,856
Colored	4,472,684

It will thus be seen that in 1870 nearly one-third of the population of those States consisted of recently liberated slaves, owning but little or no property, and generally with no means of acquiring any except by manual labor in grain or cotton fields. If we add to these the number of whites who were impoverished by the war, it will probably appear that one-half of the entire population is incapable of bearing taxation. Most of the Southern States which have attempted a liberal system of free common-school education have done so at the expense of their creditors, as they were obliged to apply to the support of their schools the money which had been pledged for the payment of their State debts. Relief from this source is therefore impracticable, and the only hope that remains of obtaining it is from an appeal to the liberality and justice of Congress.

Seven hundred thousand illiterate voters constitute an important factor in national politics. The influence which they may exert in shaping the destiny of our country has already been adverted to. But it must also be remembered that, being citizens of the United States, they are entitled to every right which belongs to citizens of each and every State. They may migrate, at pleasure, to any State, and there exercise all the rights, including the right of suffrage, to which the citizens of that State are entitled. An exodus from the Southern to some of the Western States has already commenced, and the day may not be far distant when the colored vote may be the controlling power in those States. Each State, therefore, has a separate interest in guarding against the evil from this source by giving aid in the education of this class of voters.

But there are other considerations which address themselves with great force, not only to the patriotism, but to the self-interest of the people of the North.

The appeal which was made in the late Civil War to the

terrible arbitrament of arms has settled, as we hope, *finally*, that the union of these States is to remain forever indissoluble. Our country is, therefore, through all time, to remain one and indivisible. This unity of government seems necessarily to imply unity of interests. All the States being members of one body, whatever affects injuriously any member must be hurtful to all. It would be as unreasonable to expect that an ulcer in one member of the human body would not affect the whole system, as to suppose that the ignorance and vice which may afflict one of the States would not extend their baneful influence to all.

History teaches us that in all communities where freedom of thought and speech is tolerated, earnest and sometimes angry controversies, growing out of real or supposed diversities of interest, are almost certain to arise. Among the most fruitful sources of this kind of discord is the assumed antagonism between capital and labor, between the interests of the rich and the poor. Fallacious as all such ideas may be regarded by educated men, they are, and ever will be, captivating to the uneducated and the destitute. Where large masses of population are uninformed, and in need of the common necessaries of life, nothing is more easy than for artful demagogues to inflame their minds against their more fortunate countrymen, who, by patient industry and thrift, have been able to surround themselves and their families with all the appliances of comfort and luxury.

What right have the people of the United States to claim exemption from dangers of this kind, which have proved so disastrous in other countries? It must be remembered that probably four-fifths of all the bonds of the United States, of the several States, of counties, cities, and towns, and of railroad and canal companies; and even a larger proportion of the stocks of all the banks, railroad and

canal companies, factories, insurance companies, and other moneyed corporations which are held by citizens of the United States, are owned by capitalists of the Northern and Eastern States. The people of the Southern and Western States, and especially the colored people, own very few of them, and have no further concern with them than to bear, directly or indirectly, their share of the taxes levied to pay the interest or dividends on them. What security have the people of the United States that these jarring interests of debtor and creditor, of numbers and property, may not in the future give rise to serious conflicts? Very recently riotous commotions of this kind assumed such formidable proportions as to render it necessary to use military power to suppress them. If to this turbulent element of the North there be added seven hundred thousand untutored and non-property-holding colored voters, whose interest is opposed to these kinds of property because of the taxation which they entail upon them, it requires no spirit of prophecy to foresee that the danger will be greatly increased. Attempts have already been made, and not without some success, to instil into the minds of the colored voters the idea that they are neither morally nor legally bound to pay any public debt which was contracted before they were emancipated and invested with the rights of citizenship.

Admonitions like these ought to teach the thoughtful men of all parts of our country, those who desire to maintain the peace and order of society, that the time for vigorous action has come. Delays are dangerous. If the corrective be not promptly applied, the evil may become irresistible. That corrective is the diffusion of knowledge among the people; and this can be accomplished only by teaching every voter to read and write, so that he may be able to have access to the best sources of information and

form an intelligent opinion on every question which may arise.

The next point which your Committee have felt it to be their duty to consider is, Does Congress possess the constitutional power, not to *control*, but to *contribute* to, the education of citizens of the States?

If doubts were entertained as to the existence of such a power in an unqualified form, it might well be contended that the case of the colored population is surrounded by such peculiar circumstances as to take it out of the influence of any general rule. But fortunately, this question, even in its general aspect, is not a new one, presented now for the first time to be decided. It may be regarded as *res adjudicata*. The laws of the United States present innumerable precedents in which Congress has exercised the power to contribute toward the general education of citizens of the new States, and in no instance has its constitutional right to do so been questioned.

As preliminary to the discussion of this branch of the subject, it may be proper to state a few prominent facts in connection with the public domain of the United States, which constitutes the fruitful source from which congressional aid to education has been supplied.

By the treaty of 1763 between Great Britain and France it was agreed that the Mississippi River should be regarded as the western boundary of the British American Colonies. At the close of the Revolutionary War all the territory lying between the Atlantic on the east, the Mississippi on the west, the Lakes on the north, and the 31st parallel of latitude on the south, was either included in the limits of the thirteen Colonies or was claimed by them. In the year 1780, at a very critical period of the Revolutionary struggle, the Continental Congress urged the States to cede their respective claims to the "Northwestern Territory"

to the general Government, as a measure essential to the credit of the Government, and perhaps to the independence of the Colonies.

After much negotiation with the Continental Congress, Virginia agreed on the 20th of May, 1783, to make the cession, with certain reservations and on conditions set forth in the Act of her General Assembly of that date. Among the conditions which she required to be incorporated into the deed of cession is the following: —

"That the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the beforementioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation, or Federal Alliance, of the said States (Virginia inclusive), according to their usual respective proportions of the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose and for no other use or purpose whatsoever." — *Act* Dec. 20, 1783.

All the other States which claimed unsettled territory within the limits above described, from time to time ceded the same to the general Government, which thus became possessed of the legal title to the whole. The purchase of Louisiana in 1803, and of Florida in 1819, added vastly to the area of the public domain of the United States, and it was still further extended by acquisitions from Mexico, by treaties with Indian tribes, and by the purchase of Alaska.

In the first act passed by the Continental Congress, on 20th of May, 1785, for the disposition of the lands ceded by Virginia and the other States (and which has constituted the basis of the policy in regard to all the public lands), it

was enacted that they should be laid off into townships, that section No. 16 in each township should be reserved for the maintenance of public schools, and that two townships in every State should be set apart for the support of a university.

In 1848 and 1849 a still more liberal policy in regard to the provision for educational purposes in new States was adopted. In the acts passed in those years respectively, creating the Territories of Oregon and Minnesota, section No. 36, in addition to section No. 16, in each township, was set apart for school purposes; and to each new Territory organized and State admitted since 1848 (except West Virginia), the sixteenth and thirty-sixth sections of every township, one-eighteenth of the entire area, have been granted for common schools. Other States have received grants greatly in excess of the 46,080 acres, which is the quantity embraced within two townships. Ohio has received 69,120 acres, Florida and Wisconsin 92,160 acres each, and Minnesota 82,640 acres.

For information in regard to the extent of these grants your Committee are indebted to the first report of Dr. Barnard, late United States Commissioner of Education, published in 1868. From this report it appears further that under the acts of Congress passed in 1785 and 1786, there had been distributed among twenty-six new States and Territories 67,983,914 acres for the support of schools, besides what was given for universities and deaf-mute asylums. Of the pecuniary value of these grants, some estimate may be formed by reference to the Report of Dr. Barnard in regard to the lands granted to Minnesota. It appears from that report, that from 1862 to 1866, embracing a period of five years, Minnesota had sold 210,769 acres, which yielded $1,324,779, the average price being $6.28 per acre. At that date she had unsold 2,795,898 acres,

which, if sold at the same price, would yield nearly $18,000,000 more! In other words, the United States have granted to the single State of Minnesota lands, for the purposes of education, which have a money value of nearly $20,000,000, while not a dollar's worth has been granted to any of the original thirteen States except their proportion of the grant for the endowment of Agricultural and Mechanical Colleges, in which the new States as well as the old participated ratably.

In view of this unbroken line of precedents, commencing nearly a hundred years ago under the articles of Confederation, before the Constitution of the United States was adopted, and steadfastly continued under the Constitution of the United States, to the present day, it would seem to be idle now to raise a question as to the constitutional power of Congress to make such grants.

It may not be amiss to say that in addition to the grant of land made by the United States, out of the common fund, for the purposes of education, it appears from the report of the Commissioner of the General Land Office, that grants amounting in the aggregate to 189,219,886 acres had been granted, prior to 1867, mainly for the benefit of the new States, for the construction of canals and railroads. What has been the extent of the grants since that date your Committee have not had the means of ascertaining.

It has already been stated that the cession by Virginia of her Northwestern Territory to the general Government, which was among the earliest in the order of time, was made and accepted on the condition expressed on the face of the deed that this territory so ceded should be held and considered as a common fund for the use and benefit of all the States (Virginia included), and for no other use or purpose whatsoever. Your Committee have not had access

to the deeds of cession made by the other States so as to be able to state whether similar conditions and trusts were expressed on the face of those deeds. Be that as it may, your Committee have no hesitation in expressing the opinion, that from the nature and purposes of the grants, and the circumstances under which they were made, similar trusts must necessarily be implied. And, as all the other additions to our public domain were acquired either by purchases which were paid for out of the common treasury of all the States, or by conquest effected by the common arms of all the States, a trust in regard to them necessarily results for the common benefit of all the States.

The whole public domain may, therefore, justly be regarded as a trust subject, of which the Government of the United States is trustee and the States the beneficiaries. This, like every other trust, should be administered equitably, and in such a manner as to give effect to the purposes for which it was created. The principles of equity are immutable. They are not affected by the character of the parties in interest. They apply with equal force to natural persons, to corporations, and to governments. Wherever a trustee has, inadvertently and from the exigency of circumstances, departed from the terms and spirit of the trust, and given to one or more beneficiaries a larger share of the trust subject than he or they are entitled to receive, justice demands that he shall so administer the residue as to restore equality among all entitled to participate in the fund. In cases where an individual or a corporation amenable to process of law fails or refuses to administer his trust upon this principle, a court of equity will intervene to compel him to do justice among all the parties in interest. The Government of the United States surely cannot ignore these fundamental maxims of equitable jurisprudence, or claim exemption from them.

The above statement of facts is intended to show that the Government has executed its trust in relation to the public domain only partially. Its policy has been mainly directed by the necessity of encouraging immigration to new States struggling into existence in the western wilderness, and whose people were unable to make adequate provision for the education of the young. This necessity was greatly enhanced by the fact that many of the settlers in the new States were foreigners, ignorant of our language and of our institutions; and it was, therefore, important to enable even adults to acquire such education as was necessary to fit them for the discharge of the duties of good citizens.

This beneficent purpose has now been accomplished. The acts of Congress have provided an ample educational fund in every new State and Territory, and the reason for departure from the line of the trust no longer exists. The time has arrived when its fiduciary obligations should be strictly complied with, by returning to the principle of equality in the distribution of the fund. The intrinsic equity of such an administration of the trust in the future must commend itself to every fair and unprejudiced mind, independently of all extraneous considerations. But it derives new force from the fact that a large class, without education and without the means of getting it, have, by the act of the Government itself, been made voters in six of the "Original Thirteen," and a larger number of the new States. The just claim of this large class of voters can no longer with propriety be resisted or evaded. It appeals, as has been clearly shown, alike to the justice and humanity and Christian sentiment, and we may add to the enlightened self-interest of every part of our common country.

The national domain which still remains unappropriated amounted, in 1867, to one billion, four hundred and four-

teen million, five hundred and sixty-seven thousand, five hundred and ninety-four acres (1,414,567,594).

This constitutes an ample fund, not only to educate the colored people of the Southern States, but to equalize the account between the old and new States, and still leave an almost inexhaustible supply for many generations to come. It appears from the last Annual Report of our able and accurate General Agent that there are at this time "two millions of children in these [the Southern] States without the means of instruction." Of these doubtless more than one-half are colored. Our General Agent presents the necessity of action by Congress on this subject in the following impressive words: "The mere neglect of a great opportunity may entail disaster upon them and their posterity by suffering a horde of young barbarians to grow up to prey upon the peace of society. The peril, if once overlooked in the critical moment, cannot afterwards be remedied by legal enactment and penal measures. If men fail to take the necessary precaution by training the young to be useful citizens, they must expect to reap a corresponding harvest, and to see around them a community distinguished for 'dwarfish virtues and gigantic vices.'"

This is the language of a man who was born, reared, and educated in the East. A native of Massachusetts and for some years superintendent of public schools in that ancient commonwealth, he has become practically acquainted with the necessity of education. Twelve years ago he was called from the presidency of Brown University in Rhode Island to become the General Agent of the Peabody Board. During that time he has faithfully fulfilled the duties of that position, making annual visits to the Southern States, having free intercourse with the people of all classes and colors, and becoming familiar with their condition and wants. He speaks, therefore, not from rumor but personal observation and knowledge.

The only remaining points which seem to demand a passing notice from your Committee are, — 1st, the mode of administering the assistance; 2d, the extent to which it should be carried; and 3d, the period for which it should be continued.

The experience of this Board has demonstrated the propriety of using the officers connected with the school systems of the respective States as agents in the application of the funds of the Peabody Board to the purposes of the trust. All the Southern States seem now to have awakened to a sense of the importance of a general system of free schools. Most of them have organized efficient systems of instruction so far as their limited means will allow them to go. Faithful and competent officers have, in most instances, been put in charge of them. These agencies are too important to be overlooked. Their employment, as means by which the bounty of Congress can be bestowed, is recommended by considerations of economy; and their use would tend, also, to avoid local jealousies and promote harmony and unity of action. The Bureau of Education, already organized at Washington, could act as the central agency, and have the general direction of the entire system, as the General Agent of the Peabody Board now has in the administration of its funds.

2d, As to the extent of the relief to be afforded. This will, of course, depend on the opinion which Congress may form as to the importance and pressing nature of the subject. Your Committee will only suggest that it should be liberal and proportioned to the great work to be done. The first effort should be directed to the successful introduction of a system of rudimentary education. Differences of opinion may arise as to what branches of knowledge should be taught in these schools. Thomas Jefferson, who in the latter part of his life bestowed much labor and

thought upon the subject of popular education, in describing the proper subjects and limitations of primary education, says: —

"These objects would be —

"To give to every citizen the information he needs for the transaction of his own business.

"To enable him to calculate for himself, and to express and preserve his ideas, his contracts, and accounts in writing.

"To improve, by reading, his morals and faculties.

"To understand his duties to his neighbors and country, and to discharge with competence the functions confided to him by either.

"To know his rights; to exercise with order and justice those he retains; to choose with discretion the fiduciary of those he delegates; and to notice their conduct with diligence, with candor, and judgment.

"And, in general, to observe with intelligence and faithfulness all the social relations under which he shall be placed.

"To instruct the mass of our fellow-citizens in these their rights, interests, and duties as men and citizens, being then the objects of education in the primary schools, whether private or public, in them should be taught reading, writing, and numerical arithmetic, the elements of mensuration (useful in so many callings), and the outlines of geography and history."

3d, As to the period of time for which this liberal provision for the primary education of the colored race should be continued. Your Committee hope that if the system which they propose shall be adopted, its benefits will be so apparent that, by general consent, a permanent fund will be set apart, as has been done in the new States, for its continuance through all future time. But the most urgent demand now is for a liberal provision to meet the exigencies of the present time. The colored people of the Southern States are now in great part ignorant and without property. Few of the adults can read or write. They are incapable, therefore, of giving any instruction to their

children at home. They are entirely dependent on the assistance of the public schools. Aid should be given, not only to the young, but also to adults where they are willing to receive it. If such a system of instruction be pressed with energy for fourteen or fifteen years, it is hoped that after that time, in consequence of the advance which, it may reasonably be expected, the race will have made in the attainment of knowledge and the acquisition of property, the amount contributed for their benefit may be gradually diminished.

In view of all the facts and reasons above stated, your Committee are of the opinion that the suggestions made in the Address of the Chairman and the Report of the General Agent were wise and well timed, and ought to receive the sanction and support of the Board.

In conclusion, it may not be improper to offer a few words explanatory of the reasons which seem to render it proper that this Board should bring the matter of education in the Southern States to the notice of Congress.

George Peabody, the enlightened and beneficent founder of the trust which bears his honored name, was a native of Massachusetts, but for many years a resident of London, where he accumulated a large fortune. With characteristic sagacity, he was among the first to foresee the evils which would be entailed on the Southern States by the ravages of the war, and the consequent inability of the people of those States to extend to the rising generation the blessings of education. Discarding every feeling of a sectional character and acting with a magnanimity almost without a parallel in history, he dedicated several millions of dollars of his private fortune "to be held by trustees [named by himself] and their successors, and the income thereof used and applied, in their discretion, for the promotion and encouragement of intellectual, moral, and industrial education among

the young of the more destitute portions of the Southern and Southwestern States of our Union, his purpose being that the benefits intended should be distributed among the entire population, and without other distinction than their needs and the opportunities of usefulness to them."

For twelve years the members of this Board have endeavored faithfully to discharge the duties of the trust reposed in them. In the performance of this duty their thoughts have been turned to the destitution of the Southern States, to the unlettered condition of a large portion of their population, and to the necessity of extending liberal assistance to the education of the new class of voters who have been introduced into our system. The Board have the satisfaction of knowing that with the limited means at their disposal they have been able to accomplish much good. But these means are entirely disproportionate to the end. Where millions of citizens are growing up in the grossest ignorance, it is obvious that neither individual charity nor the resources of impoverished States will be sufficient to meet the emergency. Nothing short of the wealth and power of the Federal Government will suffice to overcome the evil.

Your Committee are, therefore, of the opinion that, as the official representatives of George Peabody and of the patriotic purposes which he had in view in the establishment of his trust, it is eminently proper, if not strictly in the line of their duty, that this Board should present to the notice of Congress the facts which have come to their knowledge in the course of their administration of this trust, and ask that Congress shall give such aid as may be deemed proper in furtherance of education in the Southern States.

Your Committee, therefore, recommend the adoption of the following Resolution: —

Resolved, That it is expedient that this Board should present a memorial to Congress, praying that it may grant such aid as may be required to secure to the colored population of the Southern States the education which is necessary to fit them for the discharge of their duties as citizens of the United States.

ALEX. H. H. STUART.
M. R. WAITE.
WM. M. EVARTS.

WASHINGTON, February 19, 1880.

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